

**REMARKS**

Claims 4-7 and 11-14 are pending in the application. Claims 1-3 and 8-10 have been canceled. Claims 4 and 11 are independent. Reconsideration of this application in view of the following remarks is respectfully requested

**Rejection under 35 U.S.C. § 103(a)**

Claims 1-3 and 8-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yi et al. (U.S. Patent Publication No. 2003/0007459) in view of Meyer et al. (U.S. Patent Publication No. 2004/0148546). Claims 4-7 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yi et al. (U.S. Patent Publication No. 2003/0007459) in view of Meyer et al. (U.S. Patent Publication No. 2004/0148396). These rejections are respectfully traversed.

At the outset, it is noted that claims 1-3 and 8-10 have been cancelled. Therefore, the Examiner's rejection of these claims under 35 U.S.C. § 103(a) has been rendered moot.

Regarding claim 4, in the arguments filed by the Applicant on October 16, 2007, the Applicant argued that "Meyer et al. does not teach that the sender ignores a status report output from the receiver when a reset procedure is ongoing. Further, Meyer et al. does not teach that the second status report is ignored to prevent the sender from outputting a reset PDU when receiving a status report because the reset procedure has been started and is still ongoing."

The Examiner has disagreed with this argument because Meyer et al. discloses that the PDU with SN=2 is included in the second status report S<sub>12</sub> since the receiver has not yet received it and is unaware that a retransmission is already on the way. However, the Applicant respectfully notes that the Examiner is misinterpreting an important point made by the Applicant. First of all, claim 4 recites an essential condition, i.e. "when the reset procedure is ongoing."

However, the disclosure by Meyer et al. does not mention the reset procedure at all. Secondly, the claimed reset PDU is a control PDU, which is not acknowledged by a status report.

Please note that only data PDUs are acknowledged by a status report from the receiver. Meyer et al. deal with data PDUs rather than the RESET PDU.

The Examiner goes on to say in that "Meyer et al. discloses that the PDU with SN=2 is included in the second status report  $S_{12}$  since the receiver has not yet received it and is unaware that a retransmission is already on the way." However, the PDU with SN=2 is included in a status report  $S_{12}$  so that the PDU with SN=2 is a **data PDU** and is not a **control PDU** nor a **RESET PDU**.

The Examiner indicates that Meyer et al. teaches a scheme for disregarding a status report in the following:

*In reply to the second status report  $S_{12}$  with the retransmission request for SN=2 and 4, the RLC transmitter only retransmits the PDU with SN=4. For sequence number SN=2 a check of the memory has the result that the first retransmission prohibit timer RPT1 is running for SN=2 (paragraphs 50-58). If the second status report only has SN=2, it would be inherent that the transmitter would check its memory, recognize that a retransmission of this particular PDU has occurred, and disregard the entire report. Since there is a control for ignoring the second receiving status report, there is a controller that acts to disregard the report with SN=2 (controlling the sender to ignore at least a second receiving status report).*

The Applicant agrees that, in this situation, Meyer et al. does disclose a scheme to disregard a status report. However, Meyer et al. **disregard a status report by checking whether a timer called the retransmission prohibit timer RPT1, is running or not**. In claim 4, there is no timer operation. Instead, **claim 4 ignores a status report by checking whether a RESET ACK PDU has been received or not**. Furthermore, regarding claim 5, the timer recited in claim 5 is used to retransmit a RESET PDU rather than to ignore a status report.

In the rejection of claim 4 on pages 8-9 of the Final Office Action dated, the Examiner has stated that Yi et al. teaches the following:

*The sender sends a reset instruction for instructing reset of the radio link control layer to the receiver, when the number of transmission of the MRW instruction is the same as or larger than MaxMRW which is the critical value as sending of the MRW instruction which is control information is successively failed, and the MRW instruction which was sent right before is turned out to have failed, reading on the claimed "the sender receiving at least one receiving status report sent from the receiver, determining that the receiving status report contains protocol error, activating a reset procedure, and transmitting a RESET PDU to the receiver, and recognizing the reset procedure as ongoing before the sender receives a RESET ACK PDU outputted from the receiver." (paragraph 82).*

However, the Applicant does not agree with this interpretation of Yi et al. because Yi et al. does not mention determining that the receiving status report contains a protocol error. Using the Examiner's example of a transmission case described in page 9 of the Office Action, if the status report contains an ACK of #40, which has not been sent by the sender yet, the status report is determined to contain a protocol error. However, this feature is not taught by Yi et al.

In addition, the Applicant agrees that Yi et al. fails to specifically disclose that the sender ignores further status reports. The main idea of Yi et al. concerns how to count the number of retransmissions of a data PDU or a control PDU and to stop the retransmission after the count number achieves a critical value (See abstract). In other words, there is no incentive or hint for a person of ordinary skill in the art to ignore a status report after reading the disclosure by Yi et al.

Regarding Meyer et al., as mentioned above, the Applicant acknowledges that Meyer et al. does disclose a scheme to disregard a status report. However, Meyer et al. disregards a status report by checking whether a timer called the retransmission prohibit timer RPT1, is running or not. In claim 4, there is no timer operation involved. Instead, claim 4 ignores a status report by checking whether a RESET ACK PDU has been received or not. In addition, Meyer et al. deals with retransmission of data PDUs which are negatively acknowledged in a status report.

However, claim 4 deals with transmission or re-transmission of a RESET PDU, which is not negatively acknowledged by the status report. Therefore the subject matter of claim 4 is different from that of Meyer et al.

The Examiner concludes the rejection of claim 4 by stating the following on page 12 of the Office action.

*Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow a transmitter to ignore a status report with a NACK for a PDU that has already been retransmitted as taught by Meyer et al. in the method of Yi et al., in order to limit the delays due to retransmission.*

Nevertheless, claim 4 will ignore the status report no matter if the status report contains ACK only, NACK only, or both ACK and NACK. Clearly, Meyer et al. does not ignore a status report containing ACK only. Note that a status report with ACK only can contain erroneous SN when the value of the LSN field in an ACK SUFI is outside an interval delimited by VT(A) and VT(S) (see the specification of this application).

In conclusion, the Applicant summarizes the three respective methods of Yi et al, Meyer et al., and claim 4 below:

1. Yi et al.: Stop retransmission of data PDU or control information when the number of transmissions achieves a reference value.
2. Meyer et al.: Ignore a NACK in a status report when a timer (retransmission prohibit timer, RPT) is running.
3. Claim 4: Ignore a status report when a RESET PDU has been sent and a RESET ACK PDU has not been received. (Note the status report may contain ACK only, NACK only, or both ACK and NACK.)

From the above, the Applicant respectfully disagrees with the Examiner that the combination of Yi et al. and Meyer et al. teaches or makes obvious all of the features of claim 4.

In addition, claims 5-7 are dependent on claim 4, and should be allowable if claim 4 is allowable. Moreover, claims 11-14 are device claim versions of claims 4-7 and should be allowable if claims 4-7 are allowable. Reconsideration of claims 4-7 and 11-14 is therefore respectfully requested.

In view of the above, Applicant respectfully submits that claims 4-7 and 11-14 clearly define the present invention over the references relied on by the Examiner. Reconsideration and allowance of the Examiner's rejections under 35 U.S.C. § 103 are therefore respectfully requested.

**CONCLUSION**

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: April 8, 2008

Respectfully submitted,

By 

Paul C. Lewis  
Registration No.: 43,368  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant